

Gravatt, Dan

From: Kiefer, Robyn V NWK <Robyn.V.Kiefer@usace.army.mil>
Sent: Monday, April 28, 2014 4:02 PM
To: Field, Jeff; Gravatt, Dan
Cc: Washburn, Ben
Subject: USACE Trip Report April 21 CAG Meeting (UNCLASSIFIED)
Attachments: WLLF - Leibbert CAG Trip Report - April 22 2014.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Jeff/Dan:

See attached Trip Report that Jason put together post-CAG. In addition to identifying the key points of the meeting, included is a list of a large number of the questions that came up during the CAG, some of which will likely be revisited at future CAGs. We are working to document our responses to these questions so we have them for future reference. We will provide those answers to you as soon as we have them completed.

Please let me know if you have any questions regarding this trip report.

Thanks,
Robyn

Robyn Kiefer
Project Manager
US Army Corps of Engineers
Office: 816-389-3615
Blackberry: 816-803-5730

Classification: UNCLASSIFIED

Caveats: NONE

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MEMORANDUM FOR: PM-ES (Kiefer)

DATE: 4-22-2104

FROM: ED-E (Leibbert)

SUBJECT: Trip Report – Westlake Landfill (WLLF) project – attend public meeting with EPA on Monday April 21, 2014

CC: PM-E (Young, Fraley, Lyle)
ED (Mathews)

1. Reference is made to the Westlake Landfill project which is a new assignment to USACE from EPA Region 7 (EPA). On approximately, April 15, 2014, USACE accepted the Interagency Agreement (IA) from EPA which tasks USACE to provide technical support in the form of design document review and then construction observation on behalf of EPA. The subject of the reviews will be the Responsible Party's (RP – a.k.a Republic Services, Inc) design documents for a subsurface barrier (Isolation Barrier - IB) between two different landfills to definitively separate landfill cell(s) with low level radioactive materials from those cells that do not. The IB will then be constructed by the RP under the supervision of EPA representatives (bolstered by USACE staff). EPA has been serving, and continues to serve as the lead federal agency for the site. There is a great deal of public concern regarding the WLLF site and the Bridgeton Landfill located on the same property operated by Republic Services. The following is NOT intended to serve as transcript of the subject meeting. The following does not represent the position of USACE or EPA and only represents my own personal notes.

2. The purpose of my trip was to join EPA (after being invited by EPA) in attending a meeting of the Westlake Landfill Community Advisory Group (CAG). The CAG is a group of public citizens who share similar concerns about the state of the project and perceived risks to the public health stemming from the landfills. I traveled to the St. Louis area on Monday afternoon, April 21, 2014. I arrived at the designated rendezvous point at approximately 4:00 pm. There I met the following people who subsequently also attended the CAG meeting:

myself – Jason Leibbert, CENWK-ED-E	Jeff Fields – EPA Branch Chief for MO & KS
Robyn Kiefer, CENWK-PM-ES – USACE PM	Dan Gravatt – EPA PM
Shawn Sullivan, CEMVS-OD-F – Strategic Initiative Manager and designated rep for St. Louis District	Ben Washburn – EPA Community Involvement Coordinator
	Denise Jordan-Izaguirre – ATSDR Region VII Regional Director
	Erin ? – ATSDR

3. Robyn Kiefer and Shawn Sullivan arrived prior to 5:30. The EPA and ATSDR personnel arrived at the designated meeting time of 5:30. We briefly reviewed the talking points prepared by USACE. We then drove to the CAG meeting location.

4. The CAG meeting started at 6:30. The CAG meeting Agenda consisted of regular CAG business items, followed by a presentation by the Technical Assistance Consultant (TASC) and

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then concluding with a questions and answers (Q&A) period with EPA. The CAG itself appears to be made up of 4 or 5 Officers or Board Members with a membership of approximately 30 other public citizens, who were in attendance.

5. The following State and Federal Congressional representatives were present. Each of them introduced themselves to Robyn Kiefer and asked for Amy Blair, CENWK Congressional Liason, to add them to any mailing lists or notification list. The staffers did not speak to the CAG or the audience at large. However, the staffers did stay after the meeting and did talk with audience members in a one-on-one manner. It appeared that most audience members know who the staffers are, and EPA confirmed that the staffers usually attend the CAG meetings.

Joeana Middleton, Regional Director for SEN McCaskill

Kerry DeGregorio, Constituent Advocate, SEN Blunt

Louis Aboussie, Staff Assistant for REP Clay

Harvey Ferdman, Policy Advisor to MO State Rep Bill Otto.

6. The regular CAG business meeting portion of the agenda only lasted about 15 minutes. The TASC contractor - Ms. Terry Boguski, SKEO Consultants - gave her presentation regarding her findings related to the groundwater sampling results published by EPA in 2012 and 2013. The TASC contractor is provided by EPA to the CAG, at no cost to the CAG, for the purpose of serving as the CAG's technical resource and to answer technical questions for the CAG. The TASC had previously prepared a factsheet for the CAG to summarize the 2012 and 2013, on and off-site groundwater sampling results. The factsheet was the topic of the TASC's presentation. The factsheet was not provided to EPA or USACE. The TASC presentation was based on reports previously published by EPA, therefore EPA made no comments on the TASC presentation. There were a number of questions from the audience regarding the sampling results – especially reported detections of Arsenic, Radium 226 and 228, Benzene and Vinyl Chloride. The TASC reported that these compounds exceeded their applicable drinking water standards (MCLs) in some but not all of the samples. The TASC also reiterated that groundwater is NOT used as a source for municipal water supply and there is no public exposure to the groundwater.

7. I had already turned off my cell phone and did not make note of the time. I believe that the TASC presentation concluded at approximately 7:30, and the Q&A session with EPA began at that time. Jeff Fields, EPA, introduced himself and then introduced the USACE representatives. The EPA did not have a pre-prepared presentation or fixed agenda for discussion topics. Fields' introduction of USACE included the definition of the USACE scope so far – which is only to provide technical assistance to EPA in regards to the design and construction of the Isolation Barrier (IB). Fields mentioned that there will be a 2nd IA in the future that will include USACE technical review of other key project documents such as the 2008 ROD, the National Remedy Review Board Report, the Supplement Feasibility Study and other documents underway within

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EPA to evaluate the entire site remedy. Immediately upon introducing Robyn Kiefer, USACE PM, to the audience, several audience members began questioning Kiefer on the work to be performed by USACE. Kiefer was not given the opportunity to give her prepared remarks due the number and fast pace of the questioning. Most of the questions centered around the fact that NWK has been designated as the lead USACE District and not MVS. These questions were anticipated by USACE and EPA. Sullivan soon joined Kiefer at the front of the room. Kiefer and Sullivan explained that the tasks for USACE to perform have been identified in the IA but that the USACE team working on those tasks will be made up of both NWK and MVS personnel as appropriate based on their area of expertise. There was much discussion from the audience that the MVS FUSRAP team is desired and that they should be in the lead role for USACE. Kiefer and Sullivan stuck to the talking points that for now, NWK will be the designated lead District for support to EPA. After about 30 minutes, Kiefer was able to give her prepared presentation which was to review the specific tasks assigned to USACE regarding the IB. At this point, the Q&A session diverged into a rapid-fire series of questions from different audience members on a variety of different topics ranging from the tasks assigned to USACE, the groundwater sampling results, the leachate testing results, the air monitoring results generated by MDNR – especially monitoring for radioactivity, the Wall Street Journal article regarding the NRRB report, and other topics of interest. Some of the audience members made very emotional statements of frustration with EPA and the apparent lack of progress towards completing the IB and other topics that have been requested from EPA at past meetings. While this was not the worst public meeting I have attended in terms of the level of hostility towards the government employees, there was a somewhat high level of tension. There were periods where it was chaotic with multiple audience members speaking at the same time with a number of unrelated questions, and statements made with no question that could be answered. The audience made it very clear that they are not satisfied with EPA on many fronts. The audience members accused EPA of not caring and not being open & transparent. Fields and Gravatt fielded most of these questions very well. I got the impression that much of this had been brought up before in previous meetings. The CAG Chairman adjourned the meeting at approximately 9:00. After the meeting officially ended, several audience members approached Kiefer, Sullivan and Leibbert to express their strong desire for the project to be taken away from EPA and given to USACE as the lead agency under the FUSRAP program. Kiefer explained this is a not local decision. This post meeting discussion was much less hostile.

8. According to my notes, the following is a list of questions that I believe USACE is responsible for preparing responses to, in time to be presented at the next CAG meeting – tentatively scheduled for May 12 according to the CAG Chairman. Just because these questions are listed below doesn't mean that USACE or EPA did not answer them at the meeting. All of these questions were answered. However, I suspect more discussion on these topics is expected by the CAG. A number of these responses will need to be joint responses or otherwise coordinated with EPA. The CAG Chairman also said that he will send a list of questions to be addressed at the next CAG meeting, to EPA (POC = Ben Washburn). Based on the somewhat chaotic nature of the Q&A period, it's quite possible that the CAG list of questions will be different than my list below. During the meeting, I did not necessarily try to capture ALL of the questions regarding other aspects of the projects that are not within the USACE scope.

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- Explain the USACE role with regards to the IB and also the separate effort for independent technical review of the overall site remedy
- Better explain what tasks will be performed by NWK and what tasks will be performed by MVS
- USACE and EPA explain the comment resolution process especially how disagreements between USACE and EPA will be documented and resolved.
- Will the USACE review comments on the IB related documents and the also for the separate ITR effort be made public?
- Will USACE be reviewing any of the historic documents – with regards to the origination of the material from the Latty site – with specific reference to a 1974 AEC report that 39,000 tons of soil were removed from Latty and allegedly transported to the WLLF for disposal.
- Did EPA consider the requests of the CODEL in assigning this work to NWK instead of MVS?
- What specific FUSRAP experience does NWK have – especially “boots on the ground”?
- Why is this site in NWK’s AOR boundaries and why can no exceptions be made to the AOR boundaries?
- Explain how USACE will maintain its integrity and independence and not simply be a mouthpiece for EPA
- Where exactly is the underground fire located and how far away is it from the radiological material in Area 1?
- If NWK is the lead USACE District and not MVS, then how often will USACE be here and will USACE attend all of the CAG meetings – roughly monthly frequency
- Will any and all documents produced by USACE be given to the public?
- Will MVS be staffed up to perform this work on WLLF?
- Will this work on WLLF impact the MVS FUSRAP team or their ability to execute FUSRAP projects?
- If EPA is paying USACE, then how can we trust USACE to be independent?
- Why isn’t MVS FUSRAP team involved?
- Can USACE stop the work or issue stop work order?
- If USACE opinion about anything is different than EPA’s opinion then how will this be resolved and what is the dispute resolution process – with specifics on exactly who is the arbiter
- What is the contingency plan for odor and air emissions when the trench is opened for the IB installation?
- Will EPA post the Republic IB design documents on the public website? And will EPA accept public comments on the IB Design documents?
- Why is the air monitoring program not more extensive, why not 24/7, and why does it include gamma only and not alpha & beta monitoring.
- What worker exposure monitoring will be done during IB work and workers in contact with landfill waste?
- What are the results of the coring/sampling meant to determine the extent of radiological material in the Area 1 portion of the landfill – where is the clean line?

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- Will the IB be installed in an area that contains rad material?
- Why does the air monitoring not use more real-time instruments and after the fact lab samples are not protective enough
- Will worker exposure monitoring results be given to public?
- Will EPA work to protect the workers' health
- Allegedly the underground fire is moving and is only 100 days away from the rad material.. What is EPA's Plan B if the IB is not installed by then?
- Will USACE designate a local POC in the STL area (MVS FUSRAP team) for the public to have access to without first submitting questions or requests to EPA or to the NWK PM?

9. All government employees departed the meeting location and returned to the hotel at approximately 10:00 PM for debriefing. Aside from general discussion, the only action item was for all groups to review their own notes and provide list of questions/action items to Ben Washburn for consolidation - asap. The group retired at approximately 10:30 PM.

10. I departed the STL area at approximately 7:00 AM on Tuesday April 22, 2014, and arrived at the NWK District Office at approximately Noon.

Respectfully Submitted,

LEIBBERT.JASON.MICHAEL
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Digitally signed by LEIBBERT.JASON.MICHAEL.1231083088
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Jason Leibbert
Chief, Environmental Engineering Branch
Kansas City District
US Army Corps of Engineers